

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

## MEDIOSTREAM, INC.,

Plaintiff,

V.

MICROSOFT CORPORATION,

Defendant.

## MEDIOSTREAM, INC.,

Plaintiff,

V.

ACER AMERICA CORPORATION, APPLE INC.; ASUS COMPUTER INTERNATIONAL, INC.; CYBERLINK INC.; DELL INC.; GATEWAY, INC.; NERO INC.; NERO AG; SONIC SOLUTIONS; SONY ELECTRONICS INC.; SONY CORP.; SONY COMPUTER ENTERTAINMENT; SONY COMPUTER ENTERTAINMENT AMERICA INC.,

## Defendants.

Case No. 2:08-cv-369 (CE)

## **JURY TRIAL DEMANDED**

**(Consolidated)**

**SUPPLEMENT OF DEFENDANT DELL INC. TO THE PENDING MOTION FOR  
RECONSIDERATION OF ORDER DENYING TRANSFER TO THE NORTHERN  
DISTRICT OF CALIFORNIA**

Dell Inc. files this supplement to the pending Motion for Reconsideration of Order Denying Transfer to the Northern District of California (Docket No. 153) to identify to the Court that Dell has acquired Perot Systems Corporation (“Perot”) and that Perot has a place of business in Collin County, which is in the Eastern District of Texas. Dell submits that Mediostream’s allegations of infringement do not implicate Perot, and Dell is not aware of any Perot witnesses or documents that would be relevant to this lawsuit.

Date: April 30, 2010

Respectfully submitted,

/s/ Roger Fulghum

Scott F. Partridge  
Lead Attorney  
Texas State Bar No. 00786940  
Roger Fulghum  
Texas State Bar No. 00790724  
Joshua Parker  
Texas State Bar No. 24056092  
Christopher Ponder  
Texas State Bar No. 24065916  
BAKER BOTTS L.L.P.  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002-4995  
Telephone: (713) 229-1569  
Facsimile: (713) 229-7769  
E-mail: scott.partridge@bakerbotts.com  
E-mail: roger.fulghum@bakerbotts.com  
E-mail: josh.parker@bakerbotts.com  
E-mail: chris.ponder@bakerbotts.com

Michael C. Smith  
Texas State Bar No. 18650410  
Siebman, Reynolds, Burg, Phillips & Smith, LLP  
713 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 938-8900  
Facsimile: (972) 767-4620  
E-mail: michaelsmith@siebman.com

ATTORNEYS FOR DEFENDANT DELL INC.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically on April 30, 2010 pursuant to Local Rule CV-5(a) and has been served on all counsel who are deemed to have consented to electronic service.

By: /s/ Roger Fulghum  
Roger Fulghum